



BOARD OF POLICE COMMISSIONERS

Minutes of the Regular Board of Police Commissioners Meeting Thursday, February 21, 2008

The forum of the Detroit Board of Police Commissioners was held on Thursday, February 21, 2008, at 3:00 p.m., at Police Headquarters, 1300 Beaubien, Detroit, Michigan 48226.

ATTENDANCE

Board Members Present

Erminia Ramirez
Jim Holley
Mohamed Okdie
Willie Hampton
Arthur Blackwell II

Department Personnel Present

Chief Ella M. Bully-Cummings
AC Ralph Godbee
Cmdr. Gail Wilson-Turner
Lt. Whitney Walton
Sgt. Rodney Cox
Sgt. Stephanie Smith
PO James Watson
PO Derrick Mays
Atty. Grant Ha

Board Staff Present

Dante' L. Goss, Executive Director
Denise R. Hooks, Attorney/Supervising Inv. **(ABS)**
Lawana Ducker, Personnel Director
Arnold Sheard, Chief Investigator
Leslie J. Griffin, Community Affairs Coordinator
P.O. Kent Cooper

OTHERS PRESENT

Ron Scott
Trish Cunningham

RECORDERS

Jerome Adams
Robert Brown

1. CALL TO ORDER

Vice-Chairperson Holley called the meeting of the Detroit Board of Police Commissioners to order at 3:29 p.m.

2. APPROVAL OF AGENDA

- **Thursday, February 21, 2008**

MOTION: Comm. **Blackwell** made the motion to approve the Agenda.

SECOND: Comm. **Hampton** seconded the motion.

VOTE: All in attendance voted in the affirmative.

3. APPROVAL OF MINUTES

- **Thursday, February 7, 2008**

MOTION: Comm. **Blackwell** made the motion to approve the Minutes.

SECOND: Comm. **Okdie** seconded the motion.

VOTE: All in attendance voted in the affirmative.

- **Thursday, February 14, 2008**

MOTION: **Comm. Blackwell** made the motion to approve the Minutes.

SECOND: **Comm. Okdie** seconded the motion.

VOTE: All in attendance voted in the affirmative.

4. BOPC OFFICER'S REPORT

1. CHAIRPERSON

2. SECRETARY REPORT

SUSPENSION WITHOUT PAY OF POLICE OFFICER MELVIN SMITH, BADGE 5037, ASSIGNED TO THE NORTHWESTERN DISTRICT

On January 29, 2008, Police Officer Melvin Smith, badge 5037 assigned to the Northwestern District was ordered to report to Concentra Health Services, located at 2151 East Jefferson, to be processed for a Department Universal Random Drug Screen.

On February 6, 2008, Police Medical received a written report from Quest Diagnostics indicating that Marijuana Metabolites of 22 NG/ML had been detected and confirmed by Gas Chromatography/Mass Spectroscopy (GS/MS) in the specimen of Officer Smith.

On February 7, 2008, Police Medical sent a letter to the NIDA Laboratory Supervisor, of Quest Diagnostics, requesting an aliquot of Officer Smith's specimen #082831R, requisition #5944398, be forwarded to Lab Corp/Roche Laboratory for a secondary confirmatory analysis.

On this same date, Internal Affairs received notification from Police Medical that Officer Smith's urine specimen had tested positive for Marijuana Metabolites. Commander Brian R. Stair, of Internal Affairs notified Deputy Chief Leon Moore, of the Northwestern District in regards to the positive drug screen and advised him that Officer Smith was to report to Internal Affairs.

It should be noted that Officer Smith had previously tested positive for Marijuana during his June 2005, Universal Random Drug. According to Disciplinary Administration File #05-0275, Officer Smith received a thirty (30) day suspension.

On February 7, 2008, in the Office of Internal Affairs, Officer Smith was advised of his positive test results and suspended by Sergeant Tyrone Quinn, badge S-212, of the Northwestern District.

On February 14, 2008, Lieutenant Sharon Cowling, badge L-114, assigned to Police Medical received a report from LabCorp confirming the presence of Marijuana Metabolites at the level of 17 NG/ML in the specimen of Officer Smith.

Based on the above circumstances, it is recommended that Police Officer Melvin Smith be charged with, but not limited to, the following violation of the Detroit Police Department Rules and Regulations:

CHARGE: CONDUCT UNBECOMING AN OFFICER, CONTRARY TO THE LAW ENFORCEMENT CODE OF ETHICS; THIS BEING IN VIOLATION OF THE 2003 DETROIT POLICE DEPARTMENT MANUAL SERIES 100, DIRECTIVE 102.3 – 7.9, CONDUCT UNPROFESSIONAL, COMMAND 1.

Due to the seriousness of the conduct, I am requesting your concurrence with the suspension of Police Officer Melvin Smith without pay, effective February 21, 2008.

Exec Dir. Goss stated that Atty. Goldpaugh who represents Officer Smith has requested a closed door session on March 6, 2008.

Unless **contravened** by this Board the suspension without pay shall stand.

There were no contraventions.

SUSPENSION WITHOUT PAY OF POLICE OFFICER DARRYL RANDALL, BADGE 1901, ASSIGNED TO THE NORTHEASTERN DISTRICT

On January 28, 2008, Force Investigation responded to an allegation of excessive force against a prisoner involving Police Officer Darryl Randall, badge 2901, assigned to the Northeastern District. As part of the investigation, a review of the surveillance video in the detention area clearly shows Officer Randall grabbing the prisoner around the neck in a choke-hold, with his right arm. The video then shows Officer Randall taking his left hand and wrapping it around his right forearm to strengthen the choke-hold on the prisoner. At the same time that the prisoner is being choked, he is being dragged by Officer Randall. The prisoner's underwear and his pants are at his ankles and he is unable to walk as he is being dragged. When the prisoner reaches the male bullpen, the video shows the prisoner falling unconsciously on his face. After a period where the prisoner is not moving, the video shows the prisoner rolling over revealing a pool of blood on the floor of the detention hallway.

Additionally, on February 4, 2008, Force Investigation was notified of a separate allegation of excessive force against another prisoner, which had occurred on January 27, 2008. A review of the surveillance video shows Officer Randall striking, grabbing, throwing down, and choking the prisoner. The video shows the prisoner being lifted onto his feet while he is being choked by Officer Randall. The prisoner is placed in a double barrel head lock and dragged to the bullpen where he is thrown down again. Once the prisoner is thrown down, the video shows Officer Randall on top of the prisoner, grabbing the prisoner around the neck with both hands, and choking him. According to the prisoner, Officer Randall told him that "he hated punk-ass niggers who hit women," and called him a "bitch."

Prior to both these incidents, Officer Randall had already been placed in the detention facilities in an administrative capacity due to a prior domestic violence.

Based on the above circumstances, it is recommended that Officer Randall be charged with, but not limited to, the following violation of the Detroit Police Department Rules and Regulations:

CHARGE: CONDUCT UNBECOMING AN OFFICER, CONTRARY TO THE LAW ENFORCEMENT CODE OF ETHICS; THIS BEING IN VIOLATION OF THE 2003 DETROIT POLICE DEPARTMENT MANUAL SERIES 100, DIRECTIVE 102.3 – 7.9, CONDUCT UNPROFESSIONAL, COMMAND 1.

Due to the seriousness of the conduct, I am requesting your concurrence with the suspension of Officer Randall without pay, effective February 21, 2008.

Exec Dir. Goss stated that Atty. Goldpaugh who represents Officer Randall has requested a closed door session on March 6, 2008.

Unless **contravened** by this Board the suspension without pay shall stand.

There were no contraventions.

Vice-Chairperson Holley asked the Chief what is the policy in regards to marijuana use, and does it allow a person a second chance.

Chief Bully-Cummings stated the first time a person is found to have marijuana in their system it's a 30 day suspension without pay. The second time it will result into termination from the department and it was negotiated in the collective bargain agreement.

Vice-Chairperson Holley asked is there something in place to help the individual with treatment.

Chief Bully-Cummings stated the first time it is up to the individual to seek help on their own because of the collective bargain agreement that person can't be terminated for marijuana use.

Comm. Okdie stated there is an EAP Program for the workers

Chief Bully-Cummings stated yes, sir.

Vice-Chairperson Holley acknowledged the arrival of Chairperson Ramirez at 3:37 pm.

SUSPENSION WITHOUT PAY OF POLICE OFFICERS BRANDON ALLEN, BADGE 2505, AND AARON SCOTT, BADGE 2536, ASSIGNED TO TACTICAL MOBILE

On November 20, 2007, Internal Affairs received information from the Federal Bureau of Investigation (FBI), that a civilian (hereinafter "complainant") was alleging that on October 19, 2007, at approximately 9:00 P.M., at 3200 W. Warren, Detroit, two uniformed Detroit police officers, in exchange for not arresting him, asked for and accepted five hundred dollars (\$500.00). The incident was captured on in-store video.

Internal Affairs reviewed the videotape and observed that both officers had Tactical Mobile patches on their uniform sleeves. Internal Affairs then reviewed the Daily Detail and Activity Logs for Tactical Mobile dated October 19, 2007, Platoon Four. The two officers in the video were identified as Police Officers Brandon Allen, badge 2502 and Aaron Scott, badge 2536, assigned to Tactical Mobile. Officers Allen and Scott's Activity Log dated October 19, 2007, showed an entry at 9:15 P.M. which read, "McGraw @ Warren, Marathon Gas Station, Wtrs checked for narcotic activity NPF." There was no entry regarding the civilian or 3200 W. Warren. It should be noted that McGraw and W. Warren and 3200 W. Warren are approximately two miles apart.

On November 28, 2007, the FBI interviewed the complainant regarding the incident. The complainant stated that at approximately 9:00 P.M., on October 19, 2007, he was employed as a clerk at the Marathon Gas Station located at 3200 W. Warren. The complainant stated that he had a problem with a group of people causing a disturbance both inside and outside of the store. The complainant retrieved a shotgun from behind the counter of the gas station and stepped outside of the store to chase off the troublemakers.

After chasing off the troublemakers, the complainant went back into the gas station and placed the shotgun behind the counter and started waiting on customers. Within several minutes, two uniformed Detroit police officers later identified as Officers Scott and Allen entered the gas station with weapons drawn. The complainant was ordered from behind the counter and placed in handcuffs.

The complainant was taken out of the location in handcuffs. While outside, he explained the situation to the officers and the handcuffs were removed. The officers explained to the complainant that he could face various legal troubles as a result of his actions. Officer Scott told the complainant that he could avoid going to jail by paying them cash.

The complainant stated that he removed five hundred dollars (\$500.00) in cash from the cash register of the gas station and handed the money to one of the officers. The officer that received the money was identified as Officer Allen.

On February 12, 2008, at the United States District Court in Detroit, Magistrate Virginia Morgan issued criminal complaint number 08-30073, charging Officers Allen and Scott with Interference with commerce by threats or violence and Aiding and abetting contrary to and in violation of Title 18 U.S.C. section 1951 and Title 18 U.S.C. section 2.

On this same date, at Tactical Mobile base Lieutenant Roscoe Mayfield, badge L-124, of Tactical Mobile ordered Officers Allen and Scott to relinquish their department issued badge, identification and firearm. Additionally, Officers Allen and Scott were ordered to appear at Internal Affairs at 9:00 A.M., on February 13, 2008.

On February 13, 2008, Officers Allen and Scott were suspended at the office of Internal Affairs. The FBI placed the officers in custody for the aforementioned charges and conveyed them to the United States District Court for arraignment.

Based on the above circumstances, it is recommended that Police Officers Allen and Scott be charged with, but not limited to, the following violation of the Detroit Police Department Rules and Regulations:

CHARGE: CONDUCT UNBECOMING AN OFFICER, CONTRARY TO THE LAW ENFORCEMENT CODE OF ETHICS; THIS BEING IN VIOLATION OF THE 2003 DETROIT POLICE DEPARTMENT MANUAL SERIES 100, DIRECTIVE 102.3 – 7.9, CONDUCT UNPROFESSIONAL, COMMAND 1.

Due to the seriousness of the conduct, I am requesting your concurrence with the suspension of Police Officers Brandon Allen and Aaron Scott without pay, effective February 21, 2008.

Comm. Holley stated he sees the charge and asked the Chief for clarification on the suspension without pay.

Chief Bully-Cummings stated right now all the department is asking for is the suspension without pay. All of the offices are entitled to due process.

Chairperson Ramirez asked was this on video.

Chief Bully-Cummings stated yes.

Exec Dir. Goss stated the Detroit Police Officers Association (DPOA) is not contesting these suspensions without pay.

Unless **contravened** by this Board the suspension without pay shall stand.

There were no contraventions.

Comm. Blackwell stated all the members are entitled to do process except when it comes to getting their pay being taken.

Chief Bully Cummings stated that's correct, but they still have due process, and asked Atty. Ha if he could speak on this.

Atty. Ha stated the suspension without pay comes before you, but if the officer disagrees with it, the due process will allow that person to grieve it with an arbitrator. If that person is not happy with the arbitrator's decision, the next step would be the Circuit Court.

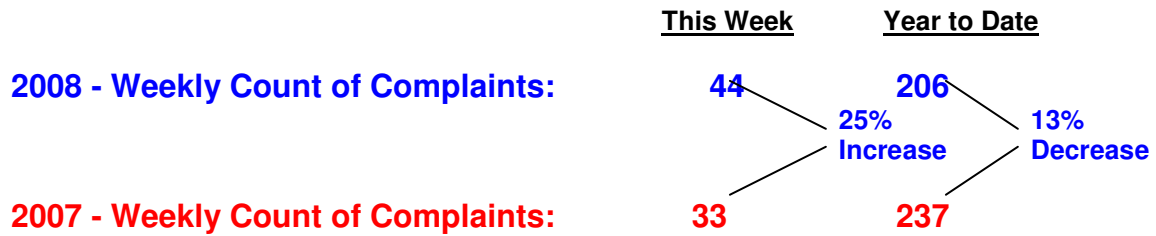
Comm. Blackwell stated generally in a court of law they are innocent until found guilty and not punitive to the end. In this case, it is punitive on the front side and if they win they get all of it back.

Atty. Ha stated that's correct.

Comm. Hampton stated if it is appealed to the State Supreme Court how long could that process take.

Atty. Ha stated the department had a case to go to the Court of Appeals and it took about a year or two.

CITIZEN COMPLAINTS RECEIVED



- The Office of the Chief Investigator has a total of 1,361 active investigations, of which 192 of those are for 2008.

TOTAL WEEKLY ALLEGATIONS & COMMAND

Total	COMMAND	ALLEGATIONS									Total
CCR	W/E 02/21/08	Arrest	Demeanor	Force	Harassment	Entry	Procedure	Property	Search	Service	Allegations
6	COMMUNICATIONS		4							3	7
1	DOMESTIC VIOLENCE									1	1
2	EASTERN		2				1				3
5	NORTHEASTERN		3		1		3		2		9
4	NORTHWESTERN		2				2			2	6
1	RECORDS/IDENT		1							1	2
4	SOUTHWESTERN		1		1		1			2	5
12	Unknown Command	2	3				6	1	1	4	17
1	VICE ENFORCEMENT		1				1				2
1	VIOLENT CRIMES		1	1							2
7	WESTERN	1	3	2			4		1	1	12
44		3	21	3	2	0	18	1	4	14	66

5. PRESENTATION/REPORT-CHIEF OF POLICE

February 21, 2008

Volume 4, Issue 8

SPECIAL ENFORCEMENT ACTIONS



Narcotics/Gang Enforcement

During the period of February 11, 2008 through February 17, 2008, **Narcotics/Gang Enforcement executed 40 search warrants and 27 street enforcement actions** within the boundaries of the city of Detroit resulting in the following arrests and confiscations:

- 43 Felony arrests
- 85 Misdemeanor arrests
- 3 Juveniles detained
- 154.80 grams of cocaine, 13.1 grams of heroin, 1,569.20 grams of marijuana and 78 pills, with a total street value:
- \$ 92,556.80
- \$ 271,518.00 in U.S. Currency
- Confiscated:
- 23 Handguns

Central District

On February 12th, officers from Central District sponsored the "Midtown Area Senior Day." **Seventy (70) seniors citizens were taken to a movie theatre and provided a lunch by the Central District.** This will be a continuous effort to promote a harmonious relationship with the seniors in the Detroit community.



"BUILDING A SAFER DETROIT THROUGH COMMUNITY PARTNERSHIPS"

Detroit Police Department

Report to the Board of Police Commissioners

The Detroit Police Department is committed to uphold its mission to provide a safe environment for our residents and businesses. This effort is not possible without the joint commitment of the community and the Police Department. We appreciate and value the role our citizens have played in helping us to take the guns and drugs off the streets of the city of Detroit.



Engaging the Community

ATTENTION

Citizens wishing to make a police report may do so at the Districts in the city of Detroit. Citizens may also utilize the following District Sub-Stations to make reports.

<u>Location</u>	<u>Hours of Operation</u>	<u>Telephone</u>
2151 E. Jefferson	24 Hours	596-6400
7737 Kercheval	8 a.m.-8 p.m.	852-4778
13206 E. Jefferson	8 a.m.-8 p.m.	852-5759
19810 Grand River	8 a.m.-8 p.m.	935-5322
13530 Lesure	8 a.m.-8 p.m.	596-5300
12000 Livernois	24 Hours	237-2555

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Special points of interest:

- **Next meeting:**
Thursday, February 28, 2008
@ 3:00 P.M.
Detroit Police Department
1300 Beaubien St.
Detroit, Michigan 48226

Police / Community Intervention

FEBRUARY 21, 2008

NORTHEASTERN DISTRICT

On February 17th, officers of the Northeastern District responded to the 17000 block of Klinger on an "Armed Robbery." The investigation conducted by Northeastern District investigator's revealed that the arrested subjects were responsible for numerous robberies in the District. Warrants were submitted charging the subjects with (1) Robbery Armed, (2) Assault with Intent to Murder, (3) Carrying a Concealed Weapon, (4) Felony in Possession, (5) Felony Firearm, and (6) Habitual 2nd.



DOMESTIC VIOLENCE

On February 14th, officers of the Eastern District responded to the 14000 block of Glenwood on a "Assault & Battery" that resulted in a subject being arrested. Upon further investigation by members of Domestic Violence, the subject was charged with (1) Felon in Possession, (2) Felony Firearms, (3) Felonious Assault, (4) Domestic Violence, and (5) Habitual 4th.



SOUTHWESTERN DISTRICT

On February 15th, officers of the Southwestern District stopped a motorist for a traffic violation in the area of Chalfonte and Robson. Upon investigating the motorist, officers observed a handgun on the floor of the vehicle. As a result of their investigation, the motorist was arrested and the handgun was confiscated. The subject was charged with (1) Carrying a Concealed Weapon, (2) Felon in Possession, (3) Felony Firearm, and (4) Habitual 2nd.



WESTERN DISTRICT

On February 15th, officers of the Western District responded to the 2000 block of Tuxedo on a "Robbery of a Citizen." Due to the officers' quick response, two subjects were arrested and charged with (1) Robbery Not Armed.



Chief Bully-Cummings stated yesterday the Mayor went before City Council to talk about his economic stimulus plan. In addition, he talked about the department being seriously under staffed and have several hundred positions opened. As a result of that, the recruiting office has been very busy.

She stated beginning next month the department will hold their Comstat meeting in the community, during the evenings so the citizens can attend.

Chairperson Ramirez stated she recalls when Chief Oliver had Comstat, and asked is it the same format.

Chief Bully-Cummings stated the format will be change a little. When Chief Oliver was here, Comstat was held in the morning and at Cobo Hall where accessibility was limited to the citizens. Part of the agenda will allow citizens to address the police department.

Chairperson Ramirez stated she found that to be very helpful and the community will see what type of crime is taking place in the neighborhood.

Chief Bully-Cummings stated they have to be very careful because it is all preliminary data, and some of that data has to be cleaned up.

6. STANDING COMMITTEE REPORTS

There were no standing committee reports.

7. NEW BUSINESS

There was no old business.

8. OLD BUSINESS

1. GRANT: REQUEST FOR PERMISSION TO APPLY FOR A GRANT WITH THE WAL-MART & SAM'S CLUB FOUNDATION FOR "SAFE NEIGHBORHOOD HEREOS GRANT"

MOTION: **Comm. Holley** made the motion to adopt the Grant.

SECOND: **Comm. Okdie** seconded the motion.

VOTE: All in attendance voted in the affirmative.

**2. RESOLUTIONS: CMDR. DENNIS FULTON
MR. HASSAN MAKKI**

MOTION: **Comm. Holley** made the motion to adopt the Resolutions.

SECOND: **Comm. Hampton** seconded the motion.

VOTE: All in attendance voted in the affirmative.

Chairperson Ramirez asked Dir. Ducker what is the response to the call for the several hundreds police positions that are opened.

Dir. Ducker stated there have been a lot of interests. But one of the obstacles they are facing is having the person(s) to pass the MCOLES reading and writing test. If they take that and pass it, then the fee for the agility test is waived.

Chairperson Ramirez stated she did not realize that a lot of the applicants are failing the physical agility test.

Dir. Ducker stated yes, and most of them are young.

Chief Bully-Cummings stated the reason that is, because young people don't go outside and play anymore.

Dir. Ducker stated they are giving information up front as to what the agility test consist of. If they don't pass the agility test the first time they can retake it but the fee is not waived the second time.

Comm. Hampton asked what are some of the exercises.

Dir. Ducker stated the vertical jump, pull-ups push-ups, and sit-ups to name a few.

Comm. Holley stated he doesn't understand why forfeiture money can't be used to start an academy just for kids who want to be police officers.

Chairperson Ramirez stated something like that is being developed in the DPS School system and maybe the department should get together with them.

Chief Bully-Cummings stated the department is looking to see if one of the high schools offers a public service safety curriculum for high school students. Not only is the police department challenged to find workers, the fire department is also being challenged.

Comm. Holley stated that he can create a school.

Chief Bully-Cummings stated she will relay that message to the Mayor.

Comm. Blackwell asked what percentage of people are failing the drug test.

Dir. Ducker stated not that many.

Comm. Blackwell stated so that has gotten better.

Dir. Ducker stated yes.

Comm. Holley stated because the department doesn't pull hairs.

Chief Bully-Cummings stated the department has never pulled hair for drug tests.

Comm. Blackwell asked what is the percentage of applicants are a make-up of the City.

Dir. Ducker stated about half.

Comm. Blackwell asked what percentage of that make-up completes the academy.

Chief Bully-Cummings stated that one of the things that she needs to give to the Director, including how many who do not pass the drug, written and agility tests. Once they get into the academy, the drop out is about 3-5 people per class. Only three have dropped out of the class that they have going on now.

Comm. Blackwell asked how many members of the current police force lives in the City.

Dir. Ducker stated about 1300 lives out of the city.

Comm. Blackwell stated that's about 50 percent.

Chief Bully-Cummings stated that's on paper, it a little less than that.

Comm. Blackwell stated in Highland Park he is trying to give the officers some incentives to live in the City of Highland Park. He had discussion with Comm. Holley as to maybe giving tax relief to an officer who decides to live in the city. Because an officer after duty who lives in the neighborhood makes it a secure neighborhood and that is factual. He stated why not look to put together a policy for a property tax discount of 30-40%. It may initially cost the City about a million dollars, but in the long run it will have an impact on the reduction of crime. Some

of the fireman has asked will this be for them too, and the answer is no, because they live in Detroit when they are on duty because they sleep here. The residency law isn't going to change.

Comm. Holley stated if you get a terrorist situation and the officers are living 40 miles from the City, they can't get back on time to be of any help.

AC Godbee stated that was the exact argument that he put to the arbitrator for ACT 312 and did not prevail. That argument has been given to the legislators of Detroit as well as other cities in the US.

9. ANNOUNCEMENT OF NEXT MEETING

Thursday, February 28, 2008, @ 3:00 p.m.
Police Headquarters
1300 Beaubien Rm. 328-A
Detroit, MI 48226

10. ORAL COMMUNICATION FROM THE AUDIENCE

R. Scott stated that he is concerned that the number of individuals that are coming to the Board for suspensions without and the many due processes that they have to fight the suspension. He wanted to know how is it related to overall performance of the department and moving it forward.

Chief Bully-Cummings stated under the guidance of the Consent Decree policies, the department is moving forward. There are policies in this department that most people want be subjective to. There are management rights that were given up before she became Chief.

R. Scott stated what happens if you don't agree with the prosecutor's office on a case that you think seeks criminality prosecution.

Chief Bully-Cummings stated the Wayne County Prosecutors' office has a wide range of discretion. The department isn't tied by that even though she may not recommend charges, the department can still move forward.

R. Scott stated he is speaking about the civil rights.

Chief Bully-Cummings stated regardless, the department can still move forward up to and including termination of that person. When the prosecutor doesn't want to charge a person, the department can appeal that decision.

B. Smith stated that some individuals in a silver jeep with an Illinois license plate took her purse from her car while she was pumping gas. She wanted to know if there was a way the police department can put a trace on the vehicle even though the license plate did not come up as registered.

Chief Bully-Cummings stated there is no way for the department to identify the vehicle unless it has some unusual markings on it without having a plate number.

11. ADJOURNMENT

The meeting was adjourned at 4:25 p.m.

Respectfully submitted,

DANTE' L. GOSS
Executive Director
Board of Police Commissioners

DLG/rb